United Nations S/AC.44/2007/5

Security Council

Distr.: General
25 March 2010
English
Original: French

Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 27 February 2008 from the Permanent Representative of Madagascar to the United Nations addressed to the Chairman of the Committee

I should like to acknowledge receipt of your letter of 2 November 2007 concerning Madagascar's implementation of resolution 1540 (2004).

In this connection, I am transmitting herewith the report prepared by Madagascar pursuant to Security Council resolution 1540 (2004) (see annex).

Annexed hereto are the following texts*:

- Extract from the Constitution of Madagascar (2006 revision): article 132 under title IV concerning treaties and international agreements
- Extract from Law No. 2006-016 of 31 August 2006 on the implementation and application of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction
- Extract from Law No. 60-011 of 22 July 1969 on the regulations governing armaments other than edged weapons
- Extract from Law No. 2003-008 of 5 September 2003 amending and supplementing certain provisions of Law No. 95-023 of 6 September 1995 setting out the regulations for teachers and researchers in higher education and scientific research
- A request for assistance from the Government of Madagascar

I should like to point out that the implementation of resolution 1540 (2004) has been incorporated into Madagascar's national policy through the implementation of the Madagascar Action Plan, particularly commitment 1, with the adoption of a national plan for the prevention and suppression of insecurity and breaches of public order.

* The texts mentioned may be consulted in the archives of the Secretariat.

10-29329 (E) 070410 080410

Please recycle

I should also like to mention that Madagascar's matrix will not be posted on the website of the Committee established pursuant to resolution 1540 (2004).

(*Signed*) Zina **Andrianarivelo-Razafy**
Ambassador
Permanent Representative

Annex to the letter dated 27 February 2008 from the Permanent Representative of Madagascar to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004)

Report prepared by Madagascar pursuant to Security Council resolution 1540 (2004)

Subject: Report on the implementation of resolution 1540 (2004) concerning counter-terrorism

I. Introduction

Acts of terrorism undermine stability throughout the world. As one of the most serious contemporary threats to both national and international peace and security, terrorism is a phenomenon that must be eliminated.

In this connection, Madagascar is committed to contributing actively to the efforts of the United Nations and the international community to promote peace and eradicate the scourge of terrorism.

Madagascar remains convinced that the Millennium Development Goals cannot be achieved without peace and security.

The implementation of resolution 1540 (2004) is a key element of the strategy for combating terrorism and its contributing factors, since the proliferation of chemical, biological and nuclear weapons represents a major threat to humanity.

II. General provisions

Madagascar possesses no weapons of mass destruction, whether chemical, biological or nuclear, and has no plans to acquire them.

Madagascar is committed to disarmament and to the non-proliferation of weapons of mass destruction, and attaches great importance to the non-proliferation of such weapons to non-State actors.

III. Specific provisions

The Constitution of Madagascar contains no specific provisions on nuclear materials, biological weapons, testing or prohibition, but the preamble refers to the content of the Charter of the United Nations, the International Bill of Human Rights and the African Charter on Human and Peoples' Rights with regard to these subjects.

With respect to nuclear and biological research, the extract from Law No. 95-023 of 6 September 1995 setting out the regulations for teachers and researchers in higher education, in its title II on the rights and duties of teachers and researchers in higher education, provides, in article 4, that teachers and researchers in higher education have the obligations of full-time employment, punctuality,

diligence, honesty and respect for ethics and for university and research codes of practice.

The relevant legislation provides for criminal penalties.

With respect to chemical weapons, Madagascar has adopted Law No. 2006-016 of 31 August 2006 on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction.

This law provides, in title 2 (General prohibitions and prohibitions concerning chemicals), title 3 (Control of activities and trade involving certain chemicals, and national and international inspection to verify compliance with applicable regulations), title 4 (Criminal penalties for the offences referred to in the present law) and title 5 (Miscellaneous provisions, including the establishment of the national authority responsible for the application and implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, ratified by Madagascar on 20 October 2004). The national authority was established in 2007 to strengthen arms control and inspection.

Madagascar contributes to the enhancement of not only national and international security, but also its economic and technological development. Accordingly, it has ratified and acceded to a number of conventions on chemical, biological and nuclear weapons, namely:

- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (ratified on 20 October 2004)
- Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction (ratified on 16 September 1999)
- Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, together with its six protocols (ratified on 19 December 2007)
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (ratified on 19 December 2007)
- 1979 Convention on the Physical Protection of Nuclear Material (ratified on 28 October 2003)
- Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf
- Treaty of Pelindaba

Under article 132.5 of the revised Constitution of December 2006, in title IV on treaties and international agreements, "Treaties or agreements that are duly ratified or adopted shall have, as from their publication, an authority higher than that of laws, subject, for each agreement or treaty, to its implementation by the other party".

To demonstrate its solidarity with the international community in combating terrorism, Madagascar has ratified 12 of the 13 conventions on this subject and has signed the thirteenth:

- International Convention for the Suppression of Terrorist Bombings (ratified by Madagascar on 24 September 2003)
- International Convention for the Suppression of the Financing of Terrorism (ratified by Madagascar on 24 September 2003)
- 1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection (ratified by Madagascar on 23 December 2003)
- 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (ratified by Madagascar on 24 September 2003)
- 1979 International Convention against the Taking of Hostages (ratified by Madagascar on 24 September 2003)
- 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (ratified by Madagascar on 24 September 2003)
- 1971 Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (ratified by Madagascar on 18 November 1986)
- 1970 Hague Convention for the Suppression of Unlawful Seizure of Aircraft (ratified by Madagascar on 18 November 1986)
- 1963 Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft (ratified by Madagascar on 2 December 1969)
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (ratified by Madagascar on 30 March 1998)
- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (ratified by Madagascar on 30 March 1998)
- International Convention for the Suppression of Acts of Nuclear Terrorism (signed by Madagascar on 9 February 2005)

Madagascar endorsed the Rabat Declaration on nuclear terrorism in May 2007 and ratified the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, concluded at Rome on 10 March 1988.

Madagascar's policy on security matters

The national programme document Madagascar Action Plan (MAP) sets out a strategy that is comprehensive enough to adapt to the implementation of resolution 1540 (2004). In accordance with this document, the country's actions are taken in a national and regional context and are aimed at aligning the duties of security forces according to needs, as well as resources, and strengthening the coast guard, customs bureaux and security forces to control the borders.

Counter-terrorism is among the responsibilities of the security forces. Pursuant to Security Council resolution 1373 (2001), a Central Counter-Terrorism Service operates within the police force (Ministry of the Interior and Public Security), and the Central Intelligence Service within the Office of the President of the Republic has set up a dedicated counter-terrorism unit in accordance with the Memorandum of Understanding on the Regional Counter-Terrorism Strategy of the East African Countries, signed in Kenya on 6 August 2004.

Future actions

Following the meeting organized by the United Nations Office for Disarmament Affairs on 27 and 28 November 2007 in Gaborone, Botswana, the Ministry of Defence plans to get involved in this activity, restructuring and reorganizing itself in complementarity with existing structures.

Other departments responsible for matters such as customs, transport and immigration will also, in the near future, begin participating in the implementation of resolution 1540 (2004) and counter-terrorism efforts in general.

Assistance

Given the precariousness of its financial resources, Madagascar has formulated a request for assistance in a number of areas concerning training, equipment and activities for the implementation of resolution 1540 (2004).

Legislation

For the purpose of implementing the 12 international counter-terrorism conventions and the conventions concerning nuclear, biological, chemical and certain conventional weapons, Madagascar has set up a national authority with responsibility for arms control and inspection. A plan of action and proposed additional measures are envisaged. The National Assembly will consider draft counter-terrorism legislation at its next session.

The relevant texts are currently being finalized with the assistance of experts from the United Nations Office on Drugs and Crime; to that end, a workshop was held in Antananarivo from 21 to 24 January 2008 and videoconferences were held in February 2008.

Future actions

The aim is to bring together in a single text all provisions concerning counter-terrorism, in the broadest possible sense, and to set out the specific duties of each technical department in regulatory provisions.

Assistance

In some areas, such as maritime security, port and airport security, immigration visa security and world trade security, Madagascar has not yet implemented international standards owing to a variety of obstacles which its resources have been insufficient to overcome. Assistance is therefore requested.

The aim is to implement the provisions of resolution 1540 (2004) and of counter-terrorism conventions while adapting effectively to new contexts.

Implementation structure

Madagascar currently has a law on the prohibition of chemical weapons and related materials. This law provides for criminal penalties and for the establishment of a national authority. Such an authority was established in 2006/07, but does not yet have logistical resources.

Other than the Antananarivo-Ivato Airport and the Port of Toamasina, Madagascar's international airports and ports do not have a sufficient level of security in terms of counter-terrorism.

Also under consideration is the possibility of broadening the competence of the national authority on chemical weapons to cover other weapons as well so as to facilitate arms management at the national level, while taking into account specific considerations at the purely technical level, as national needs are a major factor in support of the request for resources.

IV. Conclusion

While Madagascar is convinced of the need for counter-terrorism, it is having some difficulty in implementing the resolutions and has requested assistance.

Counter-terrorism efforts, including those in relation to resolution 1540 (2004), must be deployed at both the international and national levels.

As the foregoing indicates, Madagascar is exceptionally willing to make strides in implementing resolution 1540 (2004) and in combating terrorism in general, but its resources are very limited. The implementation structures put in place are not yet ready.